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### **DETAILED ACTION**

1. Examiner initiated telephone interview has been held on October 6, 2010 with Applicant's representative, Gregory L. Thorne, to request authorization to resolve 101 problems, to amend/incorporate claim(s) to particularly point out the applicant's invention. The Applicant's representative authorized the Examiner, on October 8, 2010, to amend the claims by Examiner's amendment as shown below

### ***Response to Amendment***

2. The objection to claim 18 is withdrawn in view of applicant's amendment.

### ***Response to Arguments***

3. Applicants arguments submitted on 07/22/2010 are persuasive.

### ***EXAMINER'S AMENDMENT***

4. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Applicant's representative, Gregory L. Thorne on October 8, 2010.

### **Claims:**

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Claims **1, 6, 8, 9, 10, 12, 16, 17, 20 and 22** are amended. Claims 5, 7, 11, 15, 18, 19, 21, and 23.

1. (Currently amended) A method of using a replay device for detecting a copied record carrier having a table of contents, the method comprising acts of:

providing at least one encoder device for

mastering a table of contents on an original record carrier to include entries in a non-standard sequence, a standard table of contents having entries in a standard sequence indicating that the corresponding at least one record carrier is a copy;

storing subcode data on said original record carrier in subcode frames of a subcode channel, each subcode frame comprising synchronization symbols and data symbols at predetermined positions within said subcode frame; and

assigning and storing a number of additional synchronization symbols to at least one subcode frame at positions provided for data symbols;

providing at least one decoder device for generating, during read-out of said subcode channel, a check signal indicating presence or absence of said additional synchronization symbols; and

preventing copying of said record carrier if said check signal indicates the absence of additional synchronization symbols in said subcode frames, wherein the record carrier is an optical storage disk.

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2. (Previously provided) The method according to claim 1, wherein a sequence of entries in the table of contents on the original record carrier is mixed up compared to a standard sequence of entries.

3. (Previously provided) The method according to claim 1, wherein a number of repetitions of entries in the table of contents on the original record carrier is varied compared to a standard number of repetitions.

4. (Previously provided) The method according to claim 1, wherein entries in the table of contents are mastered only in a predetermined area on said original record carrier in a detectable non-standard way.

5. (Canceled)

6. (Currently amended) The method according to claim [5] 1, comprising acts of:

storing a unique identifier uniquely identifying said record carrier in said subcode frames;

and

outputting said unique identifier only if said check signal indicates the presence of additional synchronization symbols within said subcode frames.

7. (Canceled)

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8. (Currently amended) The method according to claim [5] 1, wherein additional synchronization symbols are stored at the end of each subcode frame.

9. (Currently amended) The method according to claim [5] 1, wherein said subcode frames are part of a subcode Q-channel, as defined in the Red Book for CD audio or in the Yellow Book for CD-ROM.

10. (Currently amended) The method according to claim [5] 1, wherein said data symbols stored in said subcode frames comprise a unique identifier and error correction data and wherein said additional synchronization symbols are stored to said at least one subcode frame on the cost of said unique identifier or said error correction data.

11. (Canceled)

12. (Currently amended) A method of using a read-out of at least one record carrier having a table of contents for indicating whether the at least one record carrier is authorized and wherein non-standard tables of contents are mastered on authorized record carriers to include entries in a non-standard sequence, a standard table of contents having entries in a standard sequence, the method comprising acts of:

providing at least one decoder device for

reading said table of contents;

checking if said table of contents is standard or non-standard; and

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outputting a signal indicating if said table of contents is standard or non-standard, a standard table of contents indicating that the record carrier is not authorized and a non-standard table of contents indicating that the record carrier is authorized, wherein, on the record carrier, subcode data in subcode frames of a subcode channel is stored, each subcode frame comprising synchronization symbols and data symbols at predetermined positions within said subcode frame;

reading-out said subcode channel;

checking if additional synchronization symbols are stored to at least one subcode frame at positions provided for data symbols;

outputting a check signal indicating the presence or absence of said additional synchronization symbols in at least one subcode frame; and

preventing copying of said record carrier if said check signal indicates the absence of additional synchronization symbols in said subcode frames, wherein the record carrier is an optical storage disk.

13. (Previously provided) The method according to claim 12, wherein a unique identifier uniquely identifying said record carrier read from said record carrier is only outputted if said table of contents is non-standard.

14. (Previously provided) The method according to claim 12, wherein copying of said record carrier is prevented if said table of contents is non-standard.

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15. (Canceled)

16. (Currently amended) A method of using at least one replay device for producing a read-out of a record carrier on which subcode data is stored in subcode frames of a subcode channel, the method comprising acts of:

pre-recording the record carrier by an encoder each subcode frame to include synchronization symbols and data symbols at predetermined positions within said subcode frame

reading out said subcode channel;

checking if additional synchronization symbols are stored to at least one subcode frame at positions provided for the data symbols; and

outputting a check signal indicating the presence or absence of said additional synchronization symbols in at least one subcode frame, absence of the additional synchronization symbols indicating that the record carrier is a copy and presence of the additional synchronization symbols indicating that the record carrier is an original, wherein the record carrier is an optical storage disk.

17. (Currently amended) An apparatus for detection of a copied record carrier having a table of contents, the apparatus comprising:

control [[means]] unit for mastering a table of contents on an original record carrier to include entries in a non-standard sequence, a standard table of contents having entries in a standard sequence indicating that the corresponding at least one record carrier is a copy;

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a storage for storing subcode data on said record carrier in subcode frames of a subcode channel, each subcode frame comprising synchronization symbols and data symbols at predetermined positions within said subcode frame, and

assigning unit for assigning and storing a number of additional synchronization symbols to at least one subcode frame at positions provided for data symbols so that during read-out of said subcode channel a check signal is generated indicating the presence or absence of said additional synchronization symbols and copying of said record carrier is prevented if said check signal indicates the absence of additional synchronization symbols in said subcode frames, wherein the original record carrier is an optical storage disk.

18. (Canceled)

19. (Canceled)

20. (Currently amended) An apparatus for producing a read-out of a record carrier on which subcode data are stored in subcode frames of a subcode channel, the record carrier having each subcode frame prerecorded to include synchronization symbols and data symbols at predetermined positions within said subcode frame, the apparatus comprising:

a reading [[means]] unit for read-out of said subcode channel,

a checking [[means]] unit for checking by a processor if additional synchronization symbols are stored to at least one subcode frame at positions provided for the data symbols, and

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an output [[means]] unit for outputting a check signal indicating the presence or absence of said additional synchronization symbols in at least one subcode frame, absence of the additional synchronization symbols indicating that the record carrier is a copy and presence of the additional synchronization symbols indicating that the record carrier is an original, wherein the record carrier is an optical storage disk.

21. (Canceled)

22. (Currently amended) A replay device for playing a record carrier, the replay device comprising:

a decoder device for decoding subcode data stored in subcode frames of a subcode channel, each subcode frame is prerecorded to include synchronization symbols and data symbols at predetermined positions within said subcode frame, subcode frames of original record carriers are prerecorded to include at least one subcode frame comprising a number of additional synchronization symbols assigned and stored by an encoder at positions provided for data symbols,

wherein during read-out of the record carrier of said subcode channel, a check signal can be generated by the decoder device in response to detection of said additional synchronization symbols, absence of the additional synchronization symbols indicating that the record carrier is a copy and presence of the additional synchronization symbols indicating an original record carrier, wherein the record carrier is an optical storage disk.



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23. (Canceled)

***Allowable Subject Matter***

5. Claims **1-4, 6, 8-10, 12-14, 16-17, 20 and 22** are allowed and claims 5, 7, 11, 15, 18, 19, 21, and 23 are cancelled.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance." 37 CFR 1.312

***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to ELEN I A. SHIFERAW whose telephone number is (571)272-3867. The examiner can normally be reached on Mon-Fri 6:00am-2:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nasser R. Moazzami can be reached on (571) 272-4195. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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/Eleni A Shiferaw/

Primary Examiner, Art Unit 2436